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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL JAMES HICKS,

12 Plaintiff,

13 v.

14 S. GATES, et al.,

15 Defendants.
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No. 2:24-CV-0054-DJC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brought this civil rights action pursuant to
18 42 U.S.C. § 1983. Pursuant to the parties' stipulation for voluntary dismissal upon reaching a
19 settlement agreement, this action has been closed. Pending before the Court in this closed action
20 is Plaintiff's motion to withdraw from the settlement agreement. See ECF No. 24. At the Court's
21 direction, Defendants have filed an opposition. See ECF No. 27.

22 According to Plaintiff, based on his trust account statement dated August 20, 2024,
23 which is attached to Plaintiff's motion, Defendants have not adhered to an oral agreement as to
24 how settlement proceeds would be applied to Plaintiff's various obligations. See ECF No. 24.
25 Defendants have provided the written settlement agreement as Exhibit A to their opposition. See
26 ECF No. 27, pgs. 6-9. According to the agreement dated July 8, 2024, Defendants are to pay
27 \$807.95 within 180 days in exchange for a complete release. See id. No written representations
28 are recorded with respect to how settlement proceeds would be applied to debts reflected on

1 Plaintiff's prison trust account statement. See id. Given that the 180-day period has not yet
2 expired, and because no written representations regarding application of settlement proceeds to
3 Plaintiff's debts are reflected in the settlement agreement, the Court finds that Defendants are not
4 at this time in breach of the agreement.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to withdraw from
6 the settlement agreement, ECF No. 24, is denied.

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8 Dated: September 18, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE